

1 rejected.

2 (Whereupon, the document marked for
3 identification as Trinity Exhibit
4 No. 8 was rejected.)

5 JUDGE CHACHKIN: Now, apparently this is the Decla-
6 ration of someone who's a homemaker, and by a home school
7 teacher I assume she teaches the children at home and teaches
8 them at home. Is that --

9 MR. DUNNE: That's correct, Your Honor. And she
10 basically testifies to two things, that as a home school,
11 school mother that the only information she gets to help --
12 that's helpful to her particular educational needs are broad-
13 cast on Channel 63. And, again, education and the schools are
14 a problem that's noted in every Programs Problems List of
15 Channel 63. And, secondly, that she's a mother and watches,
16 watches her -- the, the programming that her children watch
17 and finds that this particular program meets her child's
18 educational emotional, et cetera, needs.

19 JUDGE CHACHKIN: Is there any objection to Trinity
20 Exhibit 9?

21 MR. SCHAUBLE: Yes, there -- I, I object to it on
22 the basis stated previously. And also, Your Honor, in para-
23 graph five, what we're talking about here is a music video
24 program and I don't see how that's relevant -- even assuming
25 her opinion concerning the program is relevant, I don't see

1 how her opinion concerning that entertainment program is
2 relevant to the renewal expectancy. But we just have general
3 viewer opinions here. We don't have a community leader and we
4 have no personal involvement with the station, the station's
5 programming.

6 JUDGE CHACHKIN: The Bureau also object to this?

7 MR. ZAUNER: Yes, Your Honor.

8 JUDGE CHACHKIN: Trinity Exhibit 9 is rejected.

9 (Whereupon, the document marked for
10 identification as Trinity Exhibit
11 No. 9 was rejected.)

12 JUDGE CHACHKIN: Now we have the testimony of a
13 14-year-old about programs that he watches and he's put
14 forth --

15 MR. DUNNE: Your, Your Honor, this is apparently the
16 son --

17 JUDGE CHACHKIN: -- its own weight.

18 MR. DUNNE: Yes. Your Honor. That's -- this is a,
19 a -- essentially someone who watched children's programming.
20 He describes how the programming meets the social emotional
21 needs.

22 JUDGE CHACHKIN: Any objection to --

23 MR. SCHAUBLE: Yes. Yes, Your Honor. I object to
24 it on the basis stated previously, and also the two programs
25 that are discussed are music video programs and the program or

1 somebody performs feats of strength.

2 MR. DUNNE: Your Honor, that -- what's that have to
3 do with it?

4 JUDGE CHACHKIN: Well, in, in any event, as I've
5 indicated, the, the extent to which the station is, is enti-
6 tled to renewal expectancy will be based on description of the
7 programming and the extent to which it's met the needs or
8 interests of the community. This type of evidence is not
9 probative of whether it meets the needs and interests of the
10 community. Trinity Exhibit 10 is rejected.

11 (Whereupon, the document marked for
12 identification as Trinity Exhibit
13 No. 10 was rejected.)

14 JUDGE CHACHKIN: The next one is Trinity Exhibit 13.

15 MR. SCHAUBLE: Yes, Your Honor. I object to the
16 entire exhibit. On paragraph four all that's offered is a
17 general reputation for broadcasting nonviolent programming
18 without sexual content or connotation. That's not a relevant
19 renewal expectancy criterion and there's no basis offered for
20 this general opinion anyway. And then the rest of it -- the
21 rest of the exhibit is just his, his opinion as a viewer.
22 There's no basis -- he hasn't shown a competent basis for
23 giving his opinion and the opinion isn't relevant. There's no
24 information here on how much, how much viewing he did and I
25 object to the exhibit on that basis.

1 JUDGE CHACHKIN: What is the Bureau's position?

2 MR. ZAUNER: The Bureau joins in that objection.

3 JUDGE CHACHKIN: Trinity Exhibit --

4 MR. DUNNE: Your Honor, if I may make an argument on
5 this --

6 JUDGE CHACHKIN: Yes.

7 MR. DUNNE: -- at least for the record? This
8 particular gentleman is a Georgia State Representative. By
9 definition he's a community leader. I mean, this person was
10 elected by the people in Georgia to represent them. Number
11 two, reputation evidence by someone in the community, and this
12 happens to be a community leader, is acceptable evidence. It
13 goes to renewal expectancy. And the fact that it may be his
14 personal opinion, he states it as his personal opinion has,
15 has a reputation not -- does not necessarily make it incompe-
16 tent or immaterial. The fact that it's nonviolent program-
17 ming, I would suggest to you that I would like the ability to
18 argue in the, in the Findings that nonviolent programming,
19 given the Commission's and the industry's studies on violence
20 versus nonviolence, particularly in children's programming,
21 may in fact be relevant to a renewal expectancy.

22 JUDGE CHACHKIN: Well, there's no evidence here on
23 which he's basing his opinion that it has a reputation of
24 nonviolence and I don't think the Commission gets to the
25 quality of program, whether it's nonviolent and whether it has

1 sexual content or connotation. I don't think the Commission's
2 getting to that and I don't think we -- the Commission consid-
3 ers that in determining whether or not you're entitled to
4 renewal expectancy.

5 Here you're getting to the quality of programming.
6 You're getting to different views of different people as to
7 whether programming should be violent or nonviolent or whether
8 it is nonviolent or has sexual content. I mean, I imagine
9 that some biblical programming could be held to be sexual --
10 have sexual content by some individuals and other individuals
11 find it doesn't have sexual content.

12 But what, what is violence? I mean, one could
13 define violence in many different ways. And what is whole-
14 some? It's to each person as his own opinion and his own
15 subjective opinion of whether a program is wholesome or not.
16 And the Commission is not going to become the arbiter of
17 taste. It has never been the arbiter of taste.

18 And that's what you're suggesting here. And whether
19 he's a State Senator, who he is, he's, he's dealing in the
20 realm of what constitutes taste and I don't think that's the
21 role of the Commission, in determining whether or not you're
22 entitled to renewal expectancy.

23 MR. DUNNE: Your Honor, I would also argue that as a
24 community leader he cites a specific instance where specific
25 needs are met by Channel 63 programming, specifically with

1 respect to home schooling, which he cites as a, as an issue in
2 the community and that the programming -- that it was broad-
3 cast on the station as responsive to that need and ditto
4 concerning abortion and abortion rights, that the programming
5 broadcast on the station was specifically directed to that
6 need and, and talked about a -- an issue that was important in
7 the community that he deals with.

8 JUDGE CHACHKIN: Well, it, it, it's apparent by a
9 reading of this thing that it presented one viewpoint about
10 abortion.

11 MR. DUNNE: Well --

12 JUDGE CHACHKIN: It wasn't attempted to present both
13 points of view on abortion. It's apparent from what he's
14 saying here -- put forth as a call to arms, apparently, to
15 oppose abortion, as I read here. Now, if you're telling me
16 that the station was used as a forum to discuss both points of
17 view, I can understand how it met community needs, but that's
18 not what's said here.

19 MR. DUNNE: Well, I don't, I --

20 MR. SCHAUBLE: Your Honor? Another problem -- I
21 mean, this is all very general. We don't know what specific
22 program or episode is being talked about. I mean, there are
23 no dates here. It -- another problem, particularly with
24 respect to the abortion, Your Honor, if I recall from, from
25 the station's ascertainment, that abortion was never

1 | ascertained to be a, a community need or, or interest, as
2 | education and school, during the license term.

3 | JUDGE CHACHKIN: I'm, I'm not going to receive the
4 | exhibit. I've indicated before my viewpoint. I'm not getting
5 | into subjective views. I'm not getting into what constitutes
6 | wholesome or not wholesome, what has sexual content or not,
7 | and whether that's good, bad or indifferent. I don't think
8 | that's the role of the Commission and I've never seen any case
9 | precedent where the Commission has ever delved in those areas.
10 | One would say this might raise First Amendment questions for
11 | the Commission to delve into the quality of programming and to
12 | whether it's wholesome or not.

13 | MR. DUNNE: Your Honor, that, that may be true, but
14 | I suspect that violence versus nonviolence, particularly with
15 | respect to children's programming, is something that the
16 | Commission may in fact have some interest in.

17 | JUDGE CHACHKIN: Well, the extent to which the
18 | station presents a program which they claim is nonviolent, I
19 | assume it's presented by station employees who are familiar
20 | with particular programs and describe the content of the
21 | program, and we can -- you could argue on the basis of that
22 | that this constitutes a nonviolent program. Not on his belief
23 | that it has a, that it has a reputation for nonviolence. I'm
24 | not going to receive -- 19?

25 | MR. DUNNE: 13, Your Honor.

1 MR. SCHAUBLE: Excuse me, Your Honor.

2 JUDGE CHACHKIN: Thirteen. I'm sorry. Trinity
3 Exhibit 13. We're getting ahead of --

4 MR. DUNNE: We're jumping ahead of ourselves.

5 JUDGE CHACHKIN: Yes. All right. Thirteen is not
6 received.

7 (Whereupon, the document marked for
8 identification as Trinity Exhibit
9 No. 13 was rejected.)

10 JUDGE CHACHKIN: Let's go on to 14.

11 MR. SCHAUBLE: Yes, Your Honor. I have an objection
12 to 14.

13 JUDGE CHACHKIN: All right.

14 MR. SCHAUBLE: First of all, there's no showing that
15 during the license term this individual was a community
16 leader. All he says is that he was in the real estate busi-
17 ness during the license term. What we have here is, again,
18 his opinion as a "occasional viewer of the station." Is the
19 program --

20 JUDGE CHACHKIN: Well, I -- we don't need any -- if,
21 if there's no indication here in, in this exhibit, even
22 assuming he's a community leader and I'm not going to argue
23 that, I would receive it if there were some indication here
24 that somehow he appeared on the program or the station did
25 something for his organization, but that's not what's here.

1 All we have here is his, his subjective view of the program
2 that he watched on the station. That is not the testimony --
3 appropriate testimony for a community leader. I'm not going
4 to receive the exhibit.

5 (Whereupon, the document marked for
6 identification as Trinity Exhibit
7 No. 14 was rejected.)

8 JUDGE CHACHKIN: Sixteen?

9 MR. SCHAUBLE: Yes. Sixteen, Your Honor, I object
10 -- we have a different problem with 16, Your Honor, in that I
11 believe this is not proper reputation testimony. What we have
12 here is we have an individual who -- who has a business rela-
13 tionship with Trinity, someone who pays to have his program
14 broadcast on TBN. Supposedly, the purpose of this testimony
15 is to determine the station's reputation in the community, not
16 among those who are affiliated with Trinity. If this exhibit
17 is allowed in, the licensee could stack its nonpublic witness
18 declarations with employees and affiliated programmers, and I
19 don't see how it's proper to have this sort of individual
20 offer this sort of testimony.

21 JUDGE CHACHKIN: Is this, is this the testimony of
22 someone who pays for a block of time on Trinity?

23 MR. DUNNE: Yes. He -- it's a church leader who pay
24 -- whose church program is broadcast on Channel 63. At the
25 time it was broadcast only on Channel 63, not the network.

1 It's now a network program.

2 JUDGE CHACHKIN: I understand. But this is for paid
3 time in which he presents a program?

4 MR. DUNNE: That's correct, Your Honor.

5 JUDGE CHACHKIN: What -- how is this being proffered
6 as a testimony of a community leader if he's a paid
7 programmer?

8 MR. DUNNE: Because he is a community leader, Your
9 Honor. This is a person that runs a church with 10,000 peo-
10 ple, predominantly Afro-American people, that has umpty-ump
11 ministries in the community.

12 JUDGE CHACHKIN: But his only testimony deals with
13 the program which he presents on the station which he pays
14 for, except for something here concerning the fact that he
15 watches some programs?

16 MR. DUNNE: That's correct, Your Honor. And he
17 talks about programs that are responsive to the community --

18 JUDGE CHACHKIN: I'm not aware of any instance where
19 the Commission has used such evidence where someone who buys a
20 block of time as testimony of -- community leader testimony,
21 which --

22 MR. DUNNE: Your Honor, he does not buy a block of
23 time. I think that's mischaracterizing --

24 JUDGE CHACHKIN: He doesn't --

25 MR. DUNNE: -- the, the fact. He buys a half-hour

1 program.

2 JUDGE CHACHKIN: He buys a half-hour program?

3 MR. DUNNE: Okay. And the Commission has accepted,
4 and if I'm given a minute I can cite you a cast that has
5 accepted programming that's, you know, not necessarily spon-
6 sored programming, except the programming that was bought on
7 the station that did a public good.

8 MR. SCHAUBLE: Your -- and, Your Honor, to the
9 extent that the programming is relevant, we have a description
10 of it in Mr. Jackson's testimony, who is the station employee
11 and that their -- this is duplication. But to offer this as
12 community leader testimony, I, I don't think it's proper.

13 JUDGE CHACHKIN: What do the -- what's the Bureau's
14 view on this?

15 MR. ZAUNER: One moment, Your Honor, please. Your
16 Honor, we agree with Mr. Schauble on this one.

17 JUDGE CHACHKIN: All right. The exhibit is reject-
18 ed. That's Trinity Exhibit 16 is rejected.

19 (Whereupon, the document marked for
20 identification as Trinity Exhibit
21 No. 16 was rejected.)

22 JUDGE CHACHKIN: Now we're getting to 19.

23 MR. SCHAUBLE: Nineteen, Your Honor, I object to.
24 Again, we have somebody who had no personal involvement with
25 the station's programming. He was "a regular viewer,"

1 whatever that means. He's presenting general viewer opinion
2 and offering the opinion that programming is "family-
3 oriented," whatever that means. I therefore object to the,
4 the entire exhibit on the basis of relevance and competence.

5 MR. DUNNE: Your Honor, I would, I would -- that, I
6 think, mischaracterizes the testimony. This is a gentleman
7 who has a specific ministry that deals with helping specific
8 people. He says that certain programs on the -- certain
9 identified programs broadcast in a certain time and date help
10 the people that he was dealing with concerning a specific
11 issue, i.e., alcohol and drug abuse; that specific programs
12 broadcast on the station deal with specific issues in the
13 community that are noted in the Problems Programs List, crime,
14 gang violence, et cetera; that, in addition to the program,
15 the characterization of the --

16 JUDGE CHACHKIN: No, it says here --

17 MR. DUNNE: -- of the general programming --

18 JUDGE CHACHKIN: Well, it says here he shows the
19 programming in a truck stop facility. He shows the station.
20 And also he watches a number of programs. So, what, what does
21 this have to do with meeting the needs of the community?

22 MR. DUNNE: He, he's someone --

23 JUDGE CHACHKIN: The fact that he by choice has
24 decided to show these programs, to show the station. I don't
25 know what else station's programming he shows.

1 MR. DUNNE: Okay. Well, specifically I'm referring
2 to paragraph eight where he talks about remembering a specific
3 program that he watched that he thought was particularly
4 helpful concerning --

5 JUDGE CHACHKIN: Paragraph eight?

6 MR. DUNNE: -- drug and alcohol abuse.

7 MR. ZAUNER: There, there is no paragraph --

8 MR. DUNNE: I'm sorry. I'm sorry. Paragraph five.
9 "I remember watching 'Praise the Lord' broadcast program
10 January 14, 1992...discussion on drug and alcohol abuse was
11 particularly helpful, particularly helpful to truckers because
12 many truckers are bikers and identify with it..."

13 JUDGE CHACHKIN: All right. I'm, I'm going to
14 reject the exhibit. Again, the extent to which the program-
15 ming -- the station provides programs is presented by station
16 employees.

17 (Whereupon, the document marked for
18 identification as Trinity Exhibit
19 No. 19 was rejected.)

20 JUDGE CHACHKIN: Twenty?

21 MR. SCHAUBLE: Yes, Your Honor. I object to 20 on
22 the basis that, again, we, we have an instance -- we don't
23 have a, we don't have a community -- we don't have somebody
24 who was on any of the station's programming or had any person-
25 al involvement with the station. We just have -- there's no

1 competent showing as to how much, if any, viewing Mr. Johnson
2 does. I don't think there are any specific program episodes
3 mentioned here. In paragraph seven he, he wants to argue that
4 programming was meritorious because it was free of violence,
5 wholesome and free of violence and free, free of sexual con-
6 tent. There's nothing in here that's, that's relevant, Your
7 Honor.

8 JUDGE CHACHKIN: Well, I notice here there's --

9 MR. DUNNE: Your Honor --

10 JUDGE CHACHKIN: -- a sentence which talks about
11 that the program helps the Outreach Ministry by giving public-
12 ity to Christian ministries in the community.

13 MR. SCHAUBLE: Your, Your Honor, I don't see any-
14 thing in here which says that his ministry was given pub-
15 licity. I -- there, there is no, there is no statement -- he
16 just talks generally about programs. He doesn't talk about
17 anything -- any instance where his particular ministry was
18 given any.

19 MR. DUNNE: Your Honor, I, I would note that the
20 testimony says that these ministries are serving the communi-
21 ty. There's information provided on the station that's not
22 available from any other source concerning particular minis-
23 tries for which they can go for help. Also, he cites a spe-
24 cific program that's broadcast on the station that acquaints
25 viewers with a wide range of ministries where they can go and

1 get help. It's not generally available. "The Earl Paulk
2 Show." Similarly there's all sorts of ministries designed to
3 help people who need emergency food and clothing, need help
4 coping with family problems, information that's on the station
5 that's not available from anyplace else. And so on and so
6 forth. I think that's relevant evidence, Your Honor, to
7 renewal expectancy.

8 Moreover, Your Honor, that this is a gentleman who
9 pastors a large church involving a number of people and talks
10 about, talks about specific programs, including one that's
11 produced and broadcast in, in Atlanta from Atlanta that regu-
12 larly addresses specific needs of the community that he's
13 aware of. For example, it talks about a particular -- during
14 the license term there was a particular wave of violent crime
15 that swept Atlanta. It talks about a specific program that
16 was broadcast on Channel 63 that was responsive to that need
17 and dealt with that particular issue. I think again that's
18 relevant and material evidence.

19 MR. SCHAUBLE: Your Honor, again, we don't have here
20 an instance where the station gave assistance to the ministry,
21 you know, by, by airing spots of the ministry or anything like
22 that. All there -- all we have here is he's sort of
23 describing the programming and how -- making a general claim
24 that general publicity to Christian ministries on this
25 programming in which he was just a viewer somehow helped his,

1 his ministry. And I think, consistent with your previous
2 rulings, Your Honor should reject his testimony.

3 JUDGE CHACHKIN: Well, the way I read paragraph
4 five, it's not dealing with any specific -- his ministry that
5 it provides publicity to. The way I read it he's stating that
6 it gives publicity to all Christian ministries in the church
7 without specifically identifying any particular ministry and
8 the nature of its programming, that they can come to a church
9 for help with a problem without identifying his particular
10 ministry or any other particular ministry.

11 MR. DUNNE: Well, he identifies two particular
12 ministries, Your Honor, whose programs are on the station and
13 essentially publicized their ministries to where people --

14 JUDGE CHACHKIN: Where does it say that --

15 MR. DUNNE: -- can go for help.

16 JUDGE CHACHKIN: -- they publicize their ministry?

17 MR. DUNNE: In "Changing Their (sic) World." One --

18 JUDGE CHACHKIN: Pardon me?

19 MR. DUNNE: -- one program brought -- I'm quoting
20 from paragraph five, Your Honor. "One program, 'Changing Our
21 (sic) World,' produced by World Changes Ministry, the progra-
22 m's content, efforts to acquaint viewers with ministry de-
23 signed to meet their problems and needs...including programs
24 for persons without alcohol and drug abuse addictions, prison
25 ministry, emergency food...."

1 JUDGE CHACHKIN: Well, I assume, I assume this is
2 repetitious of what's stated in the -- in your -- later on,
3 isn't it, describing --

4 MR. SCHAUBLE: Your Honor?

5 JUDGE CHACHKIN: -- the programs? Is this --

6 MR. DUNNE: No, Your Honor, it's not.

7 JUDGE CHACHKIN: It's not repetitious?

8 MR. DUNNE: No, Your Honor.

9 MR. SCHAUBLE: Your Honor, there is material in
10 Exhibit 32 concerning "Changing Your World" and the "Earl
11 Paulk Show."

12 MR. DUNNE: But not to this extent, Your Honor,
13 concerning about the publicizing ministries and the kind of
14 ministries that are publicized.

15 MR. SCHAUBLE: Your Honor, I direct your
16 attention --

17 JUDGE CHACHKIN: Thirty-two, you say?

18 MR. SCHAUBLE: Thirty-two, Your Honor. "The Earl
19 Paulk Show" is described in considerable length on paragraph
20 36 on pages 19 and 20. And paragraph 38 deals with "Changing
21 Your World" on pages 20 and 21.

22 JUDGE CHACHKIN: Well, certainly we do have a
23 description there what the, what the program does and more
24 detail about more specifically of what areas the station
25 deals.

1 MR. DUNNE: Your Honor, I'm sorry. I, I had for-
2 gotten that paragraph 36 was as detailed --

3 JUDGE CHACHKIN: Well, then I don't --

4 MR. DUNNE: -- as it is.

5 JUDGE CHACHKIN: -- understand the purpose of, of,
6 of putting forth these exhibits as, as -- what purpose is
7 served to have this material which repeats a description of
8 the program which is provided elsewhere by the people that are
9 more knowledgeable about the station's programming. I'm not
10 going to receive -- I don't see how -- what purpose it serves.
11 Trinity Exhibit 20 is rejected.

12 (Whereupon, the document marked for
13 identification as Trinity Exhibit
14 No. 20 was rejected.)

15 JUDGE CHACHKIN: Twenty-two.

16 MR. SCHAUBLE: Yes, Your Honor. I object on the
17 basis of relevance and competence. We have a senior in high
18 school here. There's no -- all, all of the description of
19 programming as a viewer. I mean, he just renders a general
20 opinion here. Going on to paragraph seven he makes a subjec-
21 tive claim that somebody he know -- that somebody he knows
22 whose life was turned around by the station's message of hope
23 and encouragement. That it's another sort of objective and
24 irrelevant claim which Your Honor has rejected in this case
25 and several times in the, in the Miami proceeding.

1 JUDGE CHACHKIN: I assume, Mr. Dunne, you've made
2 your arguments in this area. Do you have anything further to
3 add before I rule?

4 MR. DUNNE: Your Honor, only with respect that I --
5 again, this is not only a viewer but also someone who has a --
6 he's a ministry -- he's an evangelist to young people and to
7 older people and he talks specifically about as a teenager and
8 someone who deals with teenager specific programs are respon-
9 sive to their particular needs and foster their positive,
10 emotional, cognitive development. I'm talking specifically
11 "The Josh McDonald Program." Evidence concerning -- it's
12 referenced in paragraph four, in paragraph five and six.

13 JUDGE CHACHKIN: I'm not going to receive the
14 exhibit then.

15 MR. ZAUNER: Your Honor --

16 JUDGE CHACHKIN: Twenty-two is rejected.

17 (Whereupon, the document marked for
18 identification as Trinity Exhibit
19 No. 22 was rejected.)

20 JUDGE CHACHKIN: Yes?

21 MR. ZAUNER: Could we go off the record for a
22 second?

23 JUDGE CHACHKIN: Yes.

24 (Off the record.)

25 (On the record.)

1 JUDGE CHACHKIN: All right. Let's get to 23 now.
2 Any objections?

3 MR. SCHAUBLE: Yes, Your Honor. I object on the
4 same basis we've talked about previously here. We're not
5 talking about someone who had any personal involvement of the
6 station. We're talking about his opinion as a viewer. We
7 don't know how, how much viewing he did. All he says is he
8 watched some programming every night and these general opin-
9 ions and descriptions of programming are repetitive of what's
10 in Exhibit 32. If anything, this is much more -- this is more
11 general than what's in Exhibit 32 and I don't think it's
12 competent and I don't think it's relevant.

13 JUDGE CHACHKIN: Trinity Exhibit 23 is rejected.
14 (Whereupon, the document marked for
15 identification as Trinity Exhibit
16 No. 23 was rejected.)

17 MR. DUNNE: I don't have anything to add, Your
18 Honor.

19 JUDGE CHACHKIN: Oh. We've already rejected 24, I,
20 I believe. In any event, Trinity Exhibit 24 is rejected.

21 (Whereupon, the document marked for
22 identification as Trinity Exhibit
23 No. 24 was rejected.)

24 JUDGE CHACHKIN: Twenty-five. Now, we have the man
25 who is a pastor and apparently puts on programming.

1 MR. SCHAUBLE: Yes, Your Honor. This is another,
2 another paid programmer, someone who pays, pays TBN for pro-
3 gramming. And I object to that -- I, I believe your ruling
4 should be the same as it was with respect to Mr., Mr. Dollar,
5 that this is not -- this, this -- proper sort of testimony.
6 As your -- as we've, as we've already noted, Your Honor, in
7 paragraph 36 there's a rather extensive description of the
8 program here. Exhibit 32, which is Mr. Jackson's testimony.
9 It says, among other things, this is -- not only is this
10 improper reputation testimony, it's also cumulative.

11 JUDGE CHACHKIN: What's the Bureau's view?

12 MR. ZAUNER: We join in that objection.

13 MR. DUNNE: Your Honor, with respect to the cumula-
14 tive aspect of the, of the argument, I would -- won't repeat
15 my arguments that have been rejected before concerning other
16 facts, but I would note that the evidence in, in Exhibit 32
17 does not include a description of the, of the phone -- the
18 phone ministry that Mr. Paulk does and the kind of responses
19 he gets with respect to phone calls, how people get in to
20 various, various programs concerning literacy, et cetera, with
21 respect to the phone ministry that's essentially part of the
22 program that's broadcast.

23 MR. SCHAUBLE: Your Honor, if you need to hear, hear
24 anything further, I would just point out, Your Honor, that
25 this, this phone -- this is not station involve-- this is not

1 station community involvement. This is, this is Mr. -- the
2 involvement of Mr. Paulk's ministry.

3 MR. DUNNE: That's correct, Your Honor. Just as,
4 you know, the -- you know, the Red Cross phone bank, you know,
5 gets phone calls from a public service announcement, this is
6 programming that's on the station that's -- essentially helps,
7 what seems to be something that's pretty much in the public
8 good.

9 JUDGE CHACHKIN: Trinity Exhibit 25 is rejected.
10 (Whereupon, the document marked for
11 identification as Trinity Exhibit
12 No. 25 was rejected.)

13 JUDGE CHACHKIN: Twenty-seven.

14 MR. SCHAUBLE: Yes, Your Honor. I have several
15 objections to Exhibit 27. First, as noted in paragraph three,
16 we have somebody who has a long relationship with Trinity
17 Broadcasting Network, and therefore I don't think this is
18 proper type of testimony. Again, this is just an opinion of a
19 viewer. There's no showing here that with respect to the
20 specific programs in question that the witness had any specif-
21 ic involvement with the programs on which he's rendering an
22 opinion, so I don't think it's relevant or competent.

23 And it's -- I'll also point out a specific problem,
24 Your Honor, which I think shows why it's perfect -- why it's
25 very appropriate not to rely on this sort of testimony. In

1 paragraph seven the witness refers to a "Praise the Lord" show
2 which was allegedly broadcast on February 19, 1992. But if we
3 go on to tab F of Exhibit 32, which is Mr. Jackson's testimo-
4 ny, it turns out that this specific episode did not air on
5 February 19, 1992. I'm not accusing Mr. Smith of bad faith at
6 all, but I think it tends to show the unreliability of this
7 sort of testimony.

8 JUDGE CHACHKIN: Well --

9 MR. DUNNE: I have nothing to add more for --

10 JUDGE CHACHKIN: The Bureau oppose the exhibit?

11 MR. ZAUNER: Yes, Your Honor.

12 JUDGE CHACHKIN: Trinity Exhibit No. 27 is rejected.

13 (Whereupon, the document marked for
14 identification as Trinity Exhibit
15 No. 27 was rejected.)

16 JUDGE CHACHKIN: Twenty-eight?

17 MR. SCHAUBLE: One moment, Your Honor. Yes, Your
18 Honor. I have an objection to 38. This is the vice president
19 and host of a program of, of another paid programmer on --
20 somebody who -- something that's primarily a music program
21 who, who appears on TBN as a paid programmer, and therefore I
22 don't think this sort of --

23 MR. DUNNE: Your Honor, I don't know that that's in
24 fact the case.

25 MR. SCHAUBLE: Well, Your Honor, if we turn to Joint

1 Exhibit -- Parties have stipulated Joint Exhibit 5 -- excuse
2 me, Your, Your, Your Honor. I, I -- I believe -- I may have,
3 I may have misspoke. I believe this is a TBN-produced
4 program. I believe that --

5 MR. DUNNE: Yes. This is a TBN-produced program.

6 MR. SCHAUBLE: A -- so, this is a TBN-produced
7 program. Sorry for the error, Your Honor. But this is a TBN-
8 produced -- host of a TBN-produced program. And, so, I think
9 my argument is, is the same.

10 JUDGE CHACHKIN: I thought these were supposed to be
11 testimony of public witnesses? If someone is a -- on a
12 program as a host or, or pays for time, how does that become a
13 public witness?

14 MR. DUNNE: In this particular instance, Your Honor,
15 it's also somebody who lives in the, in the particular
16 community and has a, has another relationship to the community
17 other than simply as a programmer.

18 JUDGE CHACHKIN: But she's talking about her show.

19 MR. DUNNE: And also other, other programs that are
20 broadcast in --

21 JUDGE CHACHKIN: Well, other programs -- her views
22 about other programs.

23 MR. DUNNE: As, as a viewer. It's a --

24 JUDGE CHACHKIN: Well, I'm not going to --

25 MR. DUNNE: I won't repeat my arguments.

1 JUDGE CHACHKIN: Yes. All right. Trinity Exhibit
2 28 is rejected.

3 (Whereupon, the document marked for
4 identification as Trinity Exhibit
5 No. 28 was rejected.)

6 JUDGE CHACHKIN: Twenty-nine.

7 MR. SCHAUBLE: Yes, Your Honor. I object to --
8 again, we have somebody who is just on here as a viewer, was
9 not on any of the programs, talking about programs she viewed
10 and children's programming she viewed with a son. We don't
11 know how much programming. I would specifically refer to
12 paragraph seven on page 3 going on to page 4 where he makes a
13 vague and general reference to referrals from TBN of Atlanta.
14 People -- too general and vague. We don't know what he's
15 talking about, what program referrals came into or -- I think
16 that testimony is too general and vague to, to make any find-
17 ings on. I object to the exhibit on that basis.

18 JUDGE CHACHKIN: Trinity Exhibit -- what is the
19 Bureau's view?

20 MR. ZAUNER: One moment, Your Honor.

21 (Pause.)

22 MR. ZAUNER: Your, Your Honor, the area that, that,
23 that we are discussing at this moment is the section beginning
24 in paragraph four where the declarant talks about the response
25 of the programs to the needs of this congregation. And --